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FILED
DISTRICT COURT OF GUAM
NOV 23 2004
MARY L. M. MORAN
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM

JAY MERRILL, on his own behalf and on behalf of all other similarly situated voters desirous of casting a vote in favor of Proposal A at a fair and legal election,

Plaintiffs,
vs.

The Guam Election Commission; Gerald A. Taitano, in his capacity as the Executive Director of The Guam Election Commission, I Mina' Bente Siete Na Liheslaturan Guahan (The 27th Guam Legislature); Felix P. Camacho, in his official capacity as the Governor Of Guam.

Defendants.

) CIVIL CASE NO. CIV04-00046

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) **NOTICE OF MOTION AND MOTION FOR
SUMMARY JUDGMENT**

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) **CLASS ACTION**

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**To: Defendant The Guam Election Commission and Gerald A. Taitano
And Their Attorney of Record, Cesar C. Cabot, Esq.**

**Defendant I Mina' Bente Siete Na Liheslaturan Guahan
(The 27th Guam Legislature)
And Its Attorneys of Record, Therese M. Terlaje, Esq.**

**Defendant Felix P. Camacho, Governor of Guam
And His Attorneys of Record, Shannon J. Taitano, Esq.
And the Law Offices of Calvo & Clark**

All Defendants, through the Office of the Attorney General

NOTICE OF MOTION

PLEASE TAKE NOTICE that Plaintiff Jay Merrill, on his own behalf and on behalf of all others similarly situated, will bring the accompanying motion for summary judgment on for hearing on _____, 2004, at _____.m., or as soon thereafter as counsel may be heard.

MOTION

Plaintiff Jay Merrill hereby moves this Court for summary judgment on his own behalf and on behalf of all others similarly situated. This motion is made pursuant to Rule 56 of the Federal Rules of Civil Procedure, and is based upon the accompanying supporting Memorandum, the Notice of Motion, the contemporaneously filed Declarations, all papers on file in this case, all papers on file in Aguon-Schulte v. Taitano, et. al., District Court Civil Case No. CIV04-00045, judicial notice of which is hereby requested, and on all other matters of which the court may take judicial notice, and all other evidence which may be considered by the court at the hearing on this motion.

Respectfully submitted this 23rd day of November, 2004.

DOOLEY ROBERTS & FOWLER LLP

By:



THOMAS L. ROBERTS

Attorneys for Plaintiffs

F#C325 D#C325 -Summary Judgment Motion and Notice

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JAY MERRILL, on his own behalf and on) CIVIL CASE NO. CIV04-00046
behalf of all other similarly situated voters)

desirous of casting a vote in favor of)
Proposal A at a fair and legal election,)

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Plaintiffs,)

vs.)

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) **NOTICE OF MOTION AND MOTION FOR
SUMMARY JUDGMENT**

The Guam Election Commission; Gerald A.)
Taitano, in his capacity as the Executive)

Director of The Guam Election Commission,)
I Mina' Bente Siete Na Liheslaturan Guahan)

(The 27th Guam Legislature); Felix P.)
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Governor Of Guam.)

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Defendants.)

**To: Defendant The Guam Election Commission and Gerald A. Taitano
And Their Attorney of Record, Cesar C. Cabot, Esq.**

**Defendant I Mina' Bente Siete Na Liheslaturan Guahan
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And Its Attorneys of Record, Therese M. Terlaje, Esq.**

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And His Attorneys of Record, Shannon J. Taitano, Esq.
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All Defendants, through the Office of the Attorney General

NOTICE OF MOTION

PLEASE TAKE NOTICE that Plaintiff Jay Merrill, on his own behalf and on behalf of all others similarly situated, will bring the accompanying motion for summary judgment on for hearing on _____, 2004, at _____.m., or as soon thereafter as counsel may be heard.

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Respectfully submitted this 23rd day of November, 2004.

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THOMAS L. ROBERTS
Attorneys for Plaintiffs

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